



#5/Affidavit  
01-7-03  
Lorman

## PATENT APPLICATION

Attorney Docket No. A0460Q

### CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage a for first class mail in an envelope addressed to:

Commissioner for Patents  
Washington, D.C. 20231

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Typed or printed name of person signing this certificate

Richard B. Domingo

Signature:

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Berson et al.	Art Unit: 3621
Appl. No.: 09/596,857	Examiner: Wang, Mary Da Zhi
Filed: 06/19/2000	Conf. No.: 4200

Title: System, Method and Article of Manufacture for Cryptoserver-Based Auction

Commissioner for Patents  
Washington, D.C. 20231

### Affidavit of Mr. Daniel B. Curtis


Sir:

- (a) My name is Daniel B. Curtis.
- (b) I reside at 8316 Del Monte Ave., Newark, CA 94560.
- (c) I am a patent attorney with registration number 39,159.
- (d) From approximately 1974 to 1990 I was employed either as a programmer or as a technical marketing professional. I have significant, although dated, experience with computer hardware and software architectures.
- (e) I believe that my current expertise in computer hardware and software architectures rises to no more than one skilled in the art (and is possibly considerably less).

- (f) I have been providing contract services for XEROX Corporation and report to Mr. Domingo.
- (g) Mr. Domingo asked me to help prepare the office action for the above referenced patent application.
- (h) I was not involved with preparation or filing the above referenced patent application.
- (i) The office action dated 8/30/02 pointed out that Figures 1A, 1B, and 1C were missing. On investigation, I believe that these figures were not filed with the original application.
- (j) According to information in XEROX files, the above referenced application was prepared by an outside patent firm. Prior to the office action of 8/30/02, XEROX had taken back prosecution from this outside patent firm. Figures 1A, 1B and 1C were not included in the files from the outside patent firm.
- (k) I prepared proposed Figures 1B and 1C using information in the specification as filed. Proposed Figure 1B is described in the specification at page 11, lines 2-11. Proposed Figure 1C is described in the specification at page 11, lines 13-22. I prepared Figure 1B and Figure 1C using these explicit descriptions.
- (l) I believe no new matter was added by the proposed Figures 1B and 1C as these proposed figures simply conform to what was described at page 11, lines 2-22.
- (m) With regard to proposed Figure 1A: I used my understanding of computer hardware/software architectures and the information both explicit, and from what I inferred, from the text starting at page 9, line 19 through page 11, line 23 of the above referenced application when read in the context established at page 8, line 23 through page 9, line 31 of the above referenced application to conceptualize the cryptoserver architecture.
- (n) I prepared proposed Figure 1A from my conceptualization of the cryptoserver architecture.
- (o) I verified my conceptualization of the cryptoserver architecture with inventor Smetters.
- (p) I believe that proposed Figure 1A does not add any new matter to the application because the proposed figure is supported either directly or inherently, by the originally filed specification, drawings, or claims as interpreted by one skilled in the art (as demonstrated

by my ability to conceptualize the figure from the cited text when read in the context of the application as a whole). In addition, the proposed Figure 1A merely clarifies or completes the original disclosure.

- (q) I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.



Daniel B. Curtis

Reg. No. 39, 159